IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
WRIT PETITION NO.1507 OF 2006

Biharilal G. Ghura,
Proprietor of M/s.Radha V. Co. ..Petitioner
v/s.
Union of India & ors. .. ..Respondents

Mr.H.R.Shetty for petitioner.
Mr.Y.R.Mishra with Mr.N.R.Prajapati for res.Nos.1 to 4.
Ms.S.I.Shah for res.No.5.

CORAM : H.L. GOKHALE &
V.R. KINGAONKAR, JJ.

DATED : 3nd August 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. This Writ Petition filed on 27th March 2006 seeks to challenge the auction of the imported goods effected by the respondents nearly two and half years before i.e. on 10th December 2003. The goods imported were Betel Nuts cut into parts. The import was made in the year 2001. The provisional assessment was made by the Customs Authorities which is seen from Exhibits A and B to the reply filed by Mr.V.R.Kulkarni, Assistant Commissioner of Customs. It is stated that the provisional duty was not paid and, therefore, after waiting for sufficient time and after notice to the petitioner, the respondents have auctioned

the goods concerned.

3. Inasmuch as the Petition is filed so belatedly, one of the grounds sought to be raised is of fraud. It is specifically denied in paragraph 20 of the reply filed by the respondents.

4. Mr.Mishra appearing for respondent Nos.1 to 4 states that if the petitioner approaches the Authorities concerned and if any amount is left in balance after deducting the dues of the Customs Department, Port Trusts and various Public Authorities, the same will be paid over to the petitioner.

5. In the circumstances, there is no substance in the Petition. Petition is dismissed.

(H.L. GOKHALE, J.)

(V.R. KINGAONKAR, J.)